

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

February 1, 2007

In the Matter of
Randal S. Kady

Docket No. 2006-167
File No. PAN-CE-06-9005-2
Oxford

RECOMMENDED FINAL DECISION

The Department filed notification with this office confirming that by letter to the petitioner's representative dated January 19, 2007 MassDEP rescinded the Notice of Intent to Assess a Civil Administrative Penalty (PAN), which is the subject of this appeal.

I understand the Department's notice to be an acknowledgement that this matter is now moot. I recommend dismissal of this matter pursuant to 310 CMR 1.01(5)(a)15.f.iii as the withdrawal of the PAN makes the underlying claim moot.

NOTICE

This decision is a recommended final decision of the Presiding Officer. It has been transmitted to the Commissioner for her final decision in this matter. This decision is therefore not a final decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's final decision is subject to the rights of reconsideration and court appeal and will contain a notice to that effect.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>



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Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final decision or any part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion directs otherwise.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Ann Lowery
Presiding Officer

Adopted by Acting Commissioner Arleen O'Donnell February 2, 2007.